



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,194	03/12/2004	Arthur A. Kalinski	04-0033-02	8733
36389	7590	11/02/2005	EXAMINER	
GEORGE R. REARDON 3356 STATION COURT LAWRENCVILLE, GA 30044			TON, ANABEL	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/800,194

Applicant(s)

KALINSKI, ARTHUR A.

Examiner

Anabel M. Ton

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-17, 19-21, 23, 24 and 26 is/are rejected.
- 7) ☒ Claim(s) 18, 22 and 25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 15 is objected to because of the following informalities: The elements in claim 15 fail to have a cooperative structural relationship with each other. Applicant simply recites a list of elements without referring to a connecting means or explaining how the elements relate to each other. The listing of elements, as recited do not inherently suggest that they are related to each other in any way. Appropriate correction is required.
2. As best understood the following rejection applies.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 15-17,19-21,23,24,26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haenen et al and further in view of Migliori.
5. Haenen discloses the claimed invention except for the recitation of a tripod and umbrella assembly. Haenen discloses a light source assembly where the light source assembly is comprised of a plurality of fluorescent light bulbs possessing different color temperatures and where the light source assembly is operable for selectively lighting

said plurality of fluorescent light bulbs (col. 3 lines 12-23, col. 5 lines 40-49), a translucent diffuser assembly (10,11,col. 3 lines 52-64). Migliori discloses a mounting fixture with an umbrella assembly and a tripod assembly. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the lighting device of Haenen to be included in the mounting fixture of Migliori in substitution of the light source of Migliori since Haenen teaches it's multicolored, adjustable light source is purposeful for illuminating a location with a desired light color for a desired lighting effect. One would be motivated to combine the light of Haenen with the mounting fixture including an umbrella assembly and tripod of Migliori to make the light device of Haenen transportable and usable in an application where a desired lighting color temperature is required for a photographic shoot.

- With regards to the fluorescent light bulbs of Haenen being floodlight fluorescent light bulbs, Haenen is considered to satisfy this limitation since the fluorescent bulbs of Haenen perform the same function as that of a floodlight which is producing/emitting light with large angle of emission, therefore the above rejection applies.
- With regards to the light bulbs of Haenen being four instead of three, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a fourth fluorescent bulb since it has been held that mere duplication of essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. Furthermore, to include a fourth fluorescent bulb of fourth color temperature would have been obvious to

one of ordinary skill since a fourth bulb would provide the device of Haenen with a brighter light emission and an additional color source to additionally modify the desired color temperature light output of the device.

- With regards to the fluorescent bulbs of Haenen being compact fluorescent bulbs, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use compact fluorescent bulbs in the device of Haenen since such a modification would have been purposeful for providing the lighting device with bulbs that are reduced and are known for their increased efficiency in light emission as compared to standard fluorescent bulbs (see cited art Stephens '757);
- With regards to lighting device further comprising a carrying case assembly operable for storing the light source, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a carrying case assembly operable to store the lighting device of Haenen since such a modification would have been purposeful for facilitating mobility and storage of the device of Haenen and such embodiment is old and well known in the illumination art for photographic lighting applications for such a purpose (see cited art Stephens '793)

Allowable Subject Matter

6. Claims 18,22,25 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: The prior art cited does not teach the combination of the light bulbs as recited in claims 18,22 and 25.

Response to Arguments

8. Applicant should submit an argument under the heading "Remarks" pointing out disagreements with the examiner's contentions. Applicant must also discuss the references applied against the claims, explaining how the claims avoid the references or distinguish from them. Subsequent applicant's submission of new claims, the above mentioned rejection being made using the prior art cited of record used in the previous office action.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anabel M. Ton whose telephone number is (571) 272-2382. The examiner can normally be reached on 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anabel M Ton
Examiner
Art Unit 2875


Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800

AMT

Application/Control Number: 10/800,194
Art Unit: 2875

Page 7